

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

YEKATERINA MALEVANNAYA,  
et al.,

CASE NO. C18-0886JLR

## ORDER DENYING MOTION TO REOPEN

Plaintiffs,

V.

T-MOBILE,

### Defendant

Before the court is Plaintiffs Yekaterina Malevannaya and Liliya Volodkov’s (collectively, “Plaintiffs”) motion to reopen. (Mot. (Dkt. # 6).) On June 15, 2018, Plaintiffs filed this case against Defendant T-Mobile and simultaneously moved for a temporary restraining order (“TRO”).<sup>1</sup> (See Compl. (Dkt. # 1-1); TRO Mot. (Dkt.

<sup>1</sup> Along with their complaint and motion for a TRO, Plaintiffs filed a motion to proceed *in forma pauperis* (“IFP”). (See IFP Mot. (Dkt. # 1).) The IFP motion contained information related only to Ms. Malevannaya and was signed only by her. (See *id.*) Ms. Volodkov neither signed the IFP motion nor paid the required filing fee. (See Dkt.) The court thus ordered Ms. Volodkov to correct the deficiency by filing a signed IFP application containing her financial

1 # 1-2).) Plaintiffs' complaint contained no factual allegations, aside from asserting that  
2 both Ms. Malevannaya's domicile and T-Mobile's principal place of business are in  
3 Washington. (*See generally* 6/18/18 Order at 5-7; Compl.; *see id.* at 4.) Based on those  
4 allegations, the court concluded that Plaintiffs intended to allege diversity jurisdiction as  
5 the basis for the court's subject matter jurisdiction, that the court lacked subject matter  
6 jurisdiction because there was not complete diversity of citizenship among the parties,  
7 and that Plaintiffs failed to meet the standard for issuance of a TRO. (6/18/18 Order at  
8 5-7); *see also* 28 U.S.C. § 1332. The court thus denied the TRO motion and ordered  
9 Plaintiffs to show cause no later than Monday, July 2, 2018, why the court should not  
10 dismiss this matter for lack of subject matter jurisdiction. (*Id.* at 6-7.)

11 Plaintiffs did not specifically respond to the court's order (*see* Dkt.) but on June  
12 18, 2018, filed several "exhibits" (*see* Exhibits (Dkt. # 3)). The court found that none of  
13 those exhibits demonstrated subject matter jurisdiction. (7/3/18 Order (Dkt. # 4) at 2-3.)  
14 The court therefore dismissed Plaintiffs' complaint without prejudice and entered  
15 judgment. (*See id.* at 3; Judgment (Dkt. # 5).)

16 On July 12, 2018, Plaintiffs moved to reopen the case. (*See* Mot.) In their motion,  
17 Plaintiffs make new allegations related to their phone service and apparent removal from  
18 T-Mobile's headquarters. (*See id.* at 1-2.) Those allegations, however, do not change the  
19 fact that the court lacks subject matter jurisdiction. (*See* 6/18/18 Order; 7/3/18 Order); 28  
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22 information no later than Monday, July 2, 2018. (6/18/18 Order (Dkt. # 2) at 3.) Ms. Volodkov  
filed her IFP application on July 13, 2018, and the court denies it as untimely and moot. (*See* 2d  
IFP Mot. (Dkt. # 6)); *see also* *infra*.

1 U.S.C. § 1332; *cf.* Local Rules W.D. Wash. LCR 7(h) (stating that the court will  
2 “ordinarily deny” a motion for reconsideration “in the absence of a showing of manifest  
3 error in the prior ruling or a showing of new facts or legal authority which could not have  
4 been brought to [the court’s] attention earlier with reasonable diligence”). Thus, the  
5 court DENIES the motion to reopen (Dkt. # 6) and DENIES as moot Ms. Volodkov’s  
6 untimely IFP motion (Dkt. # 7).

7 Dated this 16th day of July, 2018.

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12 JAMES L. ROBART  
13 United States District Judge  
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